

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD RAY, et al.,

No. C 08-3627 MMC

Plaintiffs,

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
APPLICATION TO EXTEND TIME FOR
APPEAL AND ALTERNATIVE
APPLICATION FOR DETERMINATION
OF NON-APPEALABILITY**

v.

CITY OF OAKLAND, et al.,

Defendants.

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Before the Court is plaintiffs' "Ex Parte Application to Extend Time for Appeal and Alternative That Appeal is Premature," filed November 17, 2009, by which plaintiff seeks, in the first instance, an extension of time to January 15, 2010 for the purpose of filing a notice of appeal from the Court's October 19, 2009 Judgment in the above-titled action.

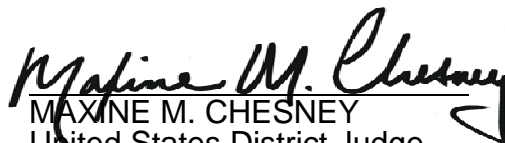
Good cause appearing, the motion is hereby GRANTED to the extent the Application seeks an extension; the time by which plaintiff may file a notice of appeal from the above-referenced judgment is hereby EXTENDED to December 18, 2009. See Fed. R. App. Pro. 4(a)(5)(C) (limiting length of extension to the later of "30 days after the prescribed time [set forth in Rule 4(a)] or 10 days after the date when the order granting the motion is entered").

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1 In all other respects the Application is hereby DENIED.

2 **IT IS SO ORDERED.**

3 Dated: November 19, 2009

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5 MAXINE M. CHESNEY
6 United States District Judge
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